

AMENDED IN SENATE MAY 11, 2005

AMENDED IN SENATE APRIL 19, 2005

SENATE BILL

No. 1054

Introduced by Senator Soto

February 22, 2005

An act to amend Section 47610 of, and to add Section 47610.5 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1054, as amended, Soto. Charter schools: California Building Code.

Existing law, the Field Act, requires the Department of General Services to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building, if not exempted, to ensure that plans and specifications comply with the rules and regulations adopted pursuant to the act and building standards published in Title 24 of the California Code of Regulations, also known as the California Building Code, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property.

Existing law, the Charter Schools Act of 1992, permits any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. Existing law provides that a charter school is exempt from the laws governing school districts, except for specified laws relating to the State Teacher's Retirement Plan, loans from the state, and all laws establishing minimum age for public school attendance.

This bill would expressly include the California Building Code, *as adopted and enforced by a local building enforcement agency* amongst those state laws from which a charter school is not exempt. The bill would require charter schools to be in compliance with ~~the California Building Code~~ *those provisions* by January 1, 2007. The bill would also provide that a charter school is exempt from ~~compliance with the California Building Code~~ *this requirement* if it complies with the requirements of the Field Act, *or if the school is exclusively owned or controlled by the federal government or other entity that is not subject to the California Building Code.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47610 of the Education Code is
2 amended to read:
3 47610. A charter school shall comply with this part and all of
4 the provisions set forth in its charter, but is otherwise exempt
5 from the laws governing school districts, except all of the
6 following:
7 (a) As specified in Section 47611.
8 (b) As specified in Section 41365.
9 (c) All laws establishing minimum age for public school
10 attendance.
11 (d) The California Building Code (Part 2 (commencing with
12 Section 101) of Title 24 of the California Code of Regulations),
13 *as adopted and enforced by the local building enforcement*
14 *agency with jurisdiction over the area in which the charter*
15 *school is located.*
16 (e) *Charter school facilities shall comply with subdivision (d)*
17 *by January 1, 2007.*
18 SEC. 2. Section 47610.5 is added to the Education Code, to
19 read:
20 47610.5. ~~(a) If a~~ *A charter school facility is exempt from the*
21 *requirements of subdivision (d) of Section 47610 if either of the*
22 *following conditions apply:*
23 (a) *The charter school facility complies with Article 3*
24 *(commencing with Section 17280) and Article 6 (commencing*
25 *with Section 17365) of Chapter 3 of Part 10.5, that facility is*

1 ~~exempt from compliance with the California Building Code (Part~~
2 ~~2 (commencing with Section 101) of Title 24 of the California~~
3 ~~Code of Regulations) as required by subdivision (d) of Section~~
4 ~~47610.~~

5 ~~(b) Charter school facilities shall comply with subdivision (d)~~
6 ~~of Section 47610 by January 1, 2007..~~

7 *(b) The charter school facility is exclusively owned or*
8 *controlled by an entity that is not subject to the California*
9 *Building Code, including, but not limited to, the federal*
10 *government.*

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